rates and not others. The rates thus charged are nowhere above the *khushki* maximum. Government will be glad to reconsider cases of excessive levy and generally the cess is enhanced only where increased water supply is afforded.

Mr. Vema Reddy.—After a well is sunk in a dry land, the water in any of the tanks in its vicinity may get dried up and this matter of chance may serve as a plea for levying *bagayat* rates. So a definite distance from tanks etc., may be fixed for purposes of this levy.

Supeintendent of Revenue Survey.—It is not possible to fix the distance.

Mr. D. S. Hanumantha Rao.—*Kushki* rates, though high by themselves are further enhanced if wells are sunk at the cost of the raiyats. This dissuades the raiyats from sinking wells. Secondly, wells fed by water from the tanks are not fit for irrigation purposes. So, *kandayam* may be levied only on lands in *Nadi-salu* or *halladasalu*.

Mr. Kannasettappa.—Even in Kolar District, *bagayat* rates range from Rs. 5. to Rs. 6. These are very heavy. Mulberry planters who raise crops with the help of small wells have also to pay the irrigation cess.

Superintendent of Revenue Survey.—They raise six crops a year and make enormous profits and it is only right that they should pay the tax.

Mr. Gopalaswami Iyer.—The Madras Government have passed a rule to the effect that if raiyats sink wells and raise crops with their help, no *kandayam* should be levied.

Dewan.—The rules are all right though there might be inequalities in application. The Superintendent of Revenue Survey will be asked to enquire into such cases.

SUBJECT No. 35.

Inclusion of the name of the representative of a deceased joint *Khatedar* in the *Khate* or the sub-division of the portion belonging to the deceased *Khatedar*, even though such land should be less than the minimum.

Mr. N. Srinivasa Iyengar, Seringapatam Taluk.

Mr. N. Srinivasa Iyengar.—When a joint *khatedar* dies, the name of his legal representative is not entered in the *khate* and he thus goes without any authority to rely upon for his title. This leads to trouble. He will have to go in many cases to Civil Courts to establish his claim for the land.

Revenue Commissioner.—There may be too many joint *khatedars*. It may not be possible for a single *khate* to show all their names. The present system is being adopted only for the convenience of Government. If, as the member suggests, all the names of joint

Khatedars be entered on a *khate*, notice will have to be served on each one of them in cases of arrears of land revenue. As regards the suggestion that a 'maximum number of *khatedars* may be fixed, it is not possible to include some and leave out some in cases where there are a large number of these.

Mr. Shamiengar.—But if nine out of ten joint *khatedars* die and the names of the descendants of the deceased be omitted, the descendants will be no where and the only surviving joint *khatedar* will be sole master. This is unjust.

Messrs. Ananthaiya and Venkatesaiya.—May we invite attention to the rule laid down in the *Revenue Manual* that joint *khates* should not be maintained and to the fact that joint *khates* were ordered to be discontinued long ago? If this is not discontinued even though the *khate* is sold away, the *patta* may continue to show the name of the former owner of the land and the purchaser may have to waste much time and money before his claim thereto is established.

Dewan.—In cases where a joint *khatedar* dies, the name of his eldest son or other claimant will be entered in the *khate*.

Mr. Shama Iyengar.—Just as when a *khatedar* dies the name of his descendant is entered in the *patta* and this change is recognised by Government, so also the transfer of a *patta* may be recognised by means of confirmation by the Jamabandi Officer who has not much work.

Dewan.—Existing joint *pattas* may be maintained. No new ones can be allowed.

SUBJECT No. 36.

Cancellation of Revenue sales on payment of revenue arrears and a sum equal to 5 per cent of purchase money as compensation to the purchasers.

Messrs. Ananthiah, Shimoga Taluk; Shamanna, Shimoga Municipality; Subba Rao and Venkappiah, Shimoga District Board and Narasimha Jois, Nagar Sabha.

Mr. Ananthiah.—Under Order 21, Rule 89 of the Civil Procedure Code, the sale of immovable property will be set aside on payment of the amount mentioned in the sale proclamation and a sum equal to 5 per cent of the purchase money as compensation to purchaser within 30 days of sale. But similar provision is not made in the Revenue Law. Owing to the absence of such a provision, great fraud is being practised in the case of illiterate persons. The Law may therefore be suitably modified.

Revenue Commissioner.—The Revenue sales stand on quite a different footing from Civil Court sales. With the issue of the declaration of forfeiture, the occupant forfeits all rights in the land. If sales are set aside in every case in which the arrears paid are